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November 22, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND

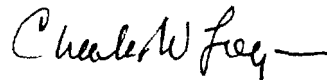
Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W. - Suite TW-A325
Washington, D.C. 20554

Re: WT Docket No. 99-168
Written Ex Parte Presentations
Service Rules for the 746-764 and 776-794 MHz Bands,
And Revisions to Part 27 of the Commission's Rules

Dear Ms. Salas:

Transmitted herewith for filing in the above-referenced proceeding are an original and one copy of a Declaration of Gregory L. Rosston on behalf of FreeSpace Communications (FreeSpace). As set forth in Dr. Rosston's Declaration, the proposal by Motorola, Inc. in this proceeding to set aside a portion of the 746-764 and 776-794 MHz bands for exclusive private radio use would significantly reduce the amount of revenues raised in the auction of this spectrum. This in turn would increase the risk that the auction revenues will fall short of the \$2.6 billion in revenue that Congress has projected will be raised in the auction of this spectrum. It would also fail to maximize the efficient use of the spectrum.

Sincerely,



Charles W. Logan

Enclosures

cc:	Thomas Sugrue	James Schlichting
	Kris Monteith	Stanley Wiggins
	Kathy Brown	Ari Fitzgerald
	Mark Schneider	Bryan Tramont
	Peter Tenhula	Adam Krinsky
	Robert Pepper	Howard Shelanski
	Dale Hatfield	

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DECLARATION OF GREGORY L. ROSSTON

On Behalf of FreeSpace Communications
In the Matter of Service Rules for the 746-764 and 776-794 MHz Bands,
And Revisions to Part 27 of the Commission's Rules
WT Docket No. 99-168

I. Overview

My name is Gregory L. Rosston. I have been asked by FreeSpace Communications (FreeSpace) to analyze the various proposals made by the FCC and commenting parties regarding service rules for commercial services operating in the 700 MHz band. I am a Research Fellow at the Stanford Institute for Economic Policy Research at Stanford University. I received my Ph.D. and M.A. in economics from Stanford University, and my A.B. with Honors in economics from the University of California, Berkeley. My specialties in economics are industrial organization and regulation with an emphasis on telecommunications. I served at the FCC for three and one-half years as the Deputy Chief Economist of the Commission, as Acting Chief Economist of the Common Carrier Bureau and as a senior economist in the Office of Plans and Policy. In these positions, I had significant involvement with the Commission's spectrum policy and auction-related issues. I have been the author or co-author of a number of articles relating to telecommunications competition policy and spectrum policy. My Ph. D. dissertation studied the effects of FCC policy on the land mobile radio industry. I have also co-edited two books on telecommunications.

The Federal Communications Commission (FCC) is presently considering a number of proposals regarding service rules for commercial radio licenses in the 746-764 MHz and 776-794 MHz bands.¹ In one such proposal, Motorola, Inc. and other parties representing the private radio industry have urged the FCC to establish guard bands to protect public safety communications in adjacent spectrum bands and to limit the permissible uses of this guard band to private radio services. Under their proposal, only private radio band managers would be eligible to bid for spectrum in these guard bands.

The creation of a guard band and other technical rules is consistent with the FCC's statutory mandate to protect public safety communications. The Motorola proposal, however, goes beyond this mandate and seeks to limit the use of these guard bands to private radio uses as a means of reducing the amount the private radio industry would need to bid for this spectrum. FreeSpace has previously submitted an *ex parte* letter explaining why an exclusive set-aside for private radio services would be contrary to the requirement in Section 337(a) that the spectrum at issue in this proceeding be allocated

¹ *Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, Notice of Proposed Rulemaking*, WT Docket No. 99-168, FCC 99-97 (released June 3, 1999) ("*NPRM*").

"for *commercial* use to be assigned by competitive bidding."² In addition to this objection, limiting the uses of the spectrum to private radio services would also undermine congressional objectives by significantly reducing the revenues raised by the auction of this spectrum. It would also result in less efficient use of this highly valuable spectrum.

II. Background

Pursuant to Section 337 of the Communications Act, as amended,³ the Commission has reallocated 24 MHz in the 764-776 MHz and 794-806 MHz bands to public safety services. It has also reallocated 36 MHz in the 746-764 MHz and 776-794 MHz bands for commercial uses as required by the Act. In the pending *NPRM*, the Commission is considering proposals regarding the licensing rules for these commercial uses.

In devising rules for the commercial services that will operate in the 746-764 and 776-794 MHz bands, the Commission is required by the Act to "establish rules insuring that public safety services licensees [in the 746-806 MHz band] shall not be subject to harmful interference from television broadcast licensees."⁴ In addition, the legislative history of these provisions state that the Commission should "ensure that public safety service licensees continue to operate free of interference from any new commercial licensees."⁵ A number of public safety parties have emphasized the vital need to carry out the statutory mandate to protect public safety communications from interference, and have suggested the creation of guard band to do so.⁶ Rules to protect against interference are important to the creation of useful wireless services.⁷

Two parties have submitted specific guard band proposals to protect public safety communications in adjacent spectrum bands. FreeSpace has proposed that the Commission establish 1.5 MHz guard bands adjacent to public safety spectrum in the 700

² See Letter of Ruth Milkman, Lawler, Metzger & Milkman, to Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, at 7-9 (filed Oct. 13, 1999 in WT Docket No. 99-168) ("*FreeSpace Ex Parte Letter*"; 47 U.S.C. § 337(a) (emphasis added).

³ 47 U.S.C. § 337.

⁴ *Id.* at § 337(d)(4).

⁵ Balanced Budget Act of 1997, Conference Report to Accompany H.R. 2015, 105th Cong., 1st Sess., Report 105-217, at 580 (July 30, 1997).

⁶ APCO Comments at 3. See also Letter from Kathleen M. H. Wallman, Chair, NCC, to Chairman Kennard, WT Docket No. 99-168 (Aug. 25, 1999).

⁷ Gregory L. Rosston and Jeffrey S. Steinberg, *Using Market-Based Spectrum Policy to Promote the Public Interest*, FCC Staff Working Paper 102 (1997) (reprinted in vol. 50, no. 1, of the *Federal Communications Law Journal*) ("An authorization to use spectrum is of limited value without an expectation that one's legitimate use of the spectrum will be free from interference by others.").

MHz band. Under the FreeSpace proposal, licensees in these guards would be required to comply with power spectral density limits to protect public safety communications, but would be free to offer any type of commercial services.⁸ Any interested party could bid for this guard band spectrum provided it complied with the technical rules to prevent interference. The Association of Public-Safety Communications Officials-International has filed an *ex parte* letter that states that the FreeSpace proposal "appears to provide excellent interference protection for public safety."⁹

Motorola and other parties representing the private radio industry have proposed that the FCC establish 1.5 MHz guard bands adjacent to the public safety spectrum (*i.e.*, guard bands at 762.5-764 MHz, 776-777.5 MHz, and 792.5-794 MHz). Under the Motorola proposal, a band manager would bid in the auction of these channels, and their use would be limited to private radio services, but they would not be subject to more stringent power limitations to protect public safety.

III. Limiting the Guard Bands to Private Radio Uses Will Significantly Reduce Auction Revenues.

Motorola's proposed exclusive set aside of spectrum for private radio services will significantly reduce the revenues raised by these auctions. This in turn increases the risk that the auction revenues will fall short of the \$2.6 billion in revenue that Congress, as part of its budget planning for the current fiscal year, has projected will be raised in the auction of the spectrum in the 746-764 and 776-794 MHz bands.¹⁰

The expected revenue in an auction depends on the value of the asset to be sold and the competitiveness of the auction. Limiting the use of the spectrum to private services only will decrease the value of the spectrum by eliminating the likely most valuable use of the spectrum.

⁸ See *FreeSpace Ex Parte Letter*; Letter of Ruth Milkman to Magalie Roman Salas, FCC Secretary, in WT Docket No. 99-168 (filed Nov. 15, 1999).

⁹ Letter of Robert Gurss, Counsel to APCO, to Magalie Roman Salas, FCC Secretary, in WT Docket No. 99-168 (filed Oct. 21, 1999). On November 11, 1999, Motorola has filed a letter with the FCC that sought to raise questions about the ability of FreeSpace to protect public safety communications. On November 15, 1999, FreeSpace filed a letter refuting Motorola's claims and confirming that FreeSpace will provide strong interference protection for public safety. See Letter of Ruth Milkman to Magalie Roman Salas, FCC Secretary, WT Docket No. 99-189 (filed Nov. 15, 1999).

¹⁰ Attached is an excerpt from the President's budget, as prepared by the Office of Management and Budget, that states that the receipts from the auction of this spectrum are expected to be \$2.6 billion. Also attached is an excerpt, reprinted from the Congressional Budget Office's Internet web site, that indicates Congress's expectation that this auction will raise \$2.6 billion to offset expenditures in the defense appropriations legislation that Congress recently passed. This legislation (Pub. L. 106-79, section 8124) amended section 337(b) of the Communications Act to require the FCC to conduct the auction for this spectrum to ensure that all the auction proceeds are deposited in the U.S. Treasury by September 30, 2000.

In all previous auctions for spectrum that could be used for mobile services, the Commission has allowed both commercial and private wireless interests to bid in the auctions. In some cases, private interests have acquired licenses – when private interests valued the spectrum more highly. In most other cases, commercial operators have acquired the licenses. This does not mean that commercial entities cannot or will not provide service to entities that would qualify as private users. To the contrary, commercial licensees have a strong incentive to provide services to customers who value it most highly.¹¹

By opening auctions to all providers, the Commission does not arbitrarily exclude those entities who value the spectrum most highly, are willing and able to provide the service with the highest value to the public, and hence are willing to pay the most at auction. Previous auctions show that most, but not all, of the winners have plans to provide commercial services. In most cases private users have not been willing to pay nearly as much as the commercial winners. Not only did private interests not win most of the licenses, they were not the second, third or even fourth highest bidder. The evidence that private users have lower willingness to pay shows that excluding all commercial providers could reduce auction revenues significantly.

Indeed, if Motorola's proposal is adopted, the auction revenues would be reduced even further than even the previous auction evidence indicates because in those auctions private entities had an option to provide commercial service. Private licensees could change classification and provide commercial service if they found that their private service was not as valuable as they had anticipated, or if commercial service were more valuable than they had anticipated. Under the restrictive Motorola proposal, private band managers could not correct their mistakes or adapt to changed circumstances by changing their service offerings. As a result, private-only band manager bidders are likely to be willing to pay even less since they do not have this potentially valuable option.

Finally, the auction may not be as competitive as an open auction would be. Under the Motorola proposal, frequency coordination plays a significant role in preventing interference to public safety communications. There are currently only a few frequency coordinators outside of the public safety arena. Bidders would be likely to attempt to formulate a deal with a frequency coordinator in advance of the auction. The scarcity of qualified coordinators may therefore limit the auction participation and further reduce revenues. In other words, the number of bidders could well be limited by the number of frequency coordinators.

All of these factors show that limiting the use of spectrum bands only to private-use-only band managers will lead to a significant reduction in auction revenue. The obvious confirmation of this is the fact that private radio interests feel compelled to ask for the special set-aside. If they did not think the special set-aside would reduce the

¹¹ See Declaration of Gregory L. Rosston, at p 21, submitted with Comments of Nextel Communications filed Sept. 20, 1999 in WT Docket No. 99-87 (describing Nextel's provision of service to entities that had previously or typically relied on private systems). FreeSpace has stated that its system will provide an option for private radio users given that it is well suited for point-to-multipoint voice and data dispatch communications. See *FreeSpace Ex Parte Letter* at 10.

amount they would need to bid to obtain the license, there would be no need to even spend the resources necessary to lobby for it since these resources would be better spent acquiring licenses in the auction.

Indeed, in its comments in this proceeding Motorola suggests that private radio users will not be able to compete in spectrum auctions against commercial service providers.¹² Motorola's solution is to limit the permissible uses of the guard band to private radio services, thus eliminating commercial service providers as potential bidders for this spectrum. Although the Commission may not impose rules for the use of the spectrum simply to maximize auction revenues,¹³ it also should not establish use restrictions or other rules as a device to minimize the amount a party will have to bid for a license to use the spectrum.

The Motorola proposal to limit auction eligibility will reduce auction revenues and significantly increase the risk that these revenues fall short of Congress's budgetary projections. This is not necessary to carry out the Commission's statutory obligation to protect public safety communications from interference. Rather, it appears to be aimed primarily at precluding other potential bidders and thereby reducing the amount of money the private radio industry would need to bid to win a license to use this valuable spectrum. This does not appear to be consistent with Congress' directive to the Commission to assign this spectrum to "commercial use" through the competitive bidding process. The FreeSpace proposal, in contrast, would adopt power limits to protect adjacent-channel public safety operations, but otherwise permit any party to bid for these channels without any service restrictions.

IV. The Motorola Proposal Will Not Maximize the Efficient Use of the Spectrum.

In addition to reducing auction revenues, limiting any portion of these spectrum bands to particular types of services would be contrary to well-accepted spectrum management policies that favor the use of marketplace forces to maximize the efficient use of the spectrum and promote innovation. The Commission embraced these principles in the *Notice*, tentatively finding "that making spectrum available for flexible commercial use under our Part 27 Rules is in the public interest because it will contribute to technological and service innovation, the creation of new jobs for the American workforce, the fostering of national economic growth, and the enhancement of opportunities for all Americans to utilize, and realize the benefits of, the national telecommunications infrastructure."¹⁴

Spectrum auctions not only serve the public interest by returning a portion of the value of the spectrum to the American public. They also serve the more fundamental

¹² Motorola Comments at 13.

¹³ 47 U.S.C. § 309(j)(7).

¹⁴ *Id.* at ¶ 12.

purpose of assigning spectrum -- a scarce and valuable resource -- to the entity that values it the most and will therefore put it to the most economically efficient use. As the Commission has stated,

Awarding licenses to those who value them most highly, while maintaining safeguards against anti-competitive concentration, will likely encourage growth and competition for wireless services and result in the rapid deployment of new technologies and services. Because firms have different views of the value of the licenses to be awarded, a firm that expects to be able to offer new or much lower cost services might be willing to pay more for a license than another firm that does not believe it can offer services as competitively.¹⁵

Reserving a portion of the 746-764 and 776-794 MHz bands for exclusive private mobile radio use -- either directly or through the concept of a limited band manager -- runs contrary to these well-accepted principles and the Commission's efforts to promote efficient use of the spectrum.¹⁶ Moreover, such an exclusive set aside removes the marketplace incentives licensees otherwise would have to innovate and use technologies that are the most spectrally efficient.

¹⁵ *Implementation of Section 309(j) of the Communications Act -- Competitive Bidding*, 9 FCC Rcd 2348, ¶ 5 (1994). See also *Improving Commission Processes*, 11 FCC Rcd 14006, 14010 (1996); Gregory Rosston and Jeffrey Steinberg, *Using Market-Based Spectrum Policy to Promote the Public Interest*, FCC Staff Working Paper (1997) (reprinted in vol. 50, no. 1, of the *Federal Communications Law Journal*); Evan Kwerel & Alex D. Felker, *Using Auctions to Select FCC Licenses*, OPP Working Paper No. 16 (1985); Thomas G. Krattenmaker & Lucas A. Powe, Jr., *Regulating Broadcast Programming* 53 (1994); Declaration of Gregory L. Rosston, submitted with Comments of Nextel Communications filed Sept. 30, 1999 in WT Docket No. 99-87 (Rosston Declaration).

¹⁶ See Rosston Declaration at 27 ("With overburdensome restrictions [on band managers] about what types of services can be provided or the eligibility of customers, the value of the spectrum will not be maximized.").

SUPPLEMENTAL PROPOSALS

COURT OF VETERANS APPEALS

1219

74.40	Unpaid obligations, end of year: Obligated balance, end of year	93	109
Outlays (gross), detail:			
86.90	Outlays from new current authority	607	
86.93	Outlays from current balances		30
86.97	Outlays from new permanent authority		304
87.00	Total outlays (gross)	607	334
Net budget authority and outlays:			
89.00	Budget authority	700	350
90.00	Outlays	607	334

These funds are being requested in conjunction with the implementation of the Wye Memorandum. The Administration plans to communicate further details regarding this proposal to the Congress.

The entire amount requested for 1999 has been designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. Offsets for this funding are proposed in the Budget.

Other Independent Agencies

CORPORATION FOR PUBLIC BROADCASTING

CORPORATION FOR PUBLIC BROADCASTING

(Supplemental now requested, existing legislation)

For an additional amount for the Corporation for Public Broadcasting, to remain available until expended: \$11,000,000 to be available for fiscal year 1999, and \$37,000,000 to be available for fiscal year 2000: Provided, That such funds be made available to National Public Radio, as the designated manager of the Public Radio Satellite System, for acquisition of satellite capacity. (47 U.S.C. 396).

Program and Financing (in millions of dollars)

Identification code 20-0151-1-1-503	1998 actual	1999 est.	2000 est.
Obligations by program activity:			
00.03 Satellite replacement		11	37
10.00 Total obligations (object class 41.0)		11	37
Budgetary resources available for obligation:			
22.00 New budget authority (gross)		11	37
23.95 Total new obligations		-11	-37
New budget authority (gross), detail:			
Current:			
40.00 Appropriation		11	
Permanent:			
65.00 Advance appropriation (definite)			37
70.00 Total new budget authority (gross)		11	37
Change in unpaid obligations:			
73.10 Total new obligations		11	37
73.20 Total outlays (gross)		-11	-37
Outlays (gross), detail:			
86.90 Outlays from new current authority		11	
86.97 Outlays from new permanent authority			37
87.00 Total outlays (gross)		11	37
Net budget authority and outlays:			
89.00 Budget authority		11	37
90.00 Outlays		11	37

This supplemental request would provide \$48 million over two years (\$11 million in 1999 and \$37 million in 2000), which would guarantee funding for acquisition of satellite capacity and ensure seamless public radio service to the American public. Assisting in the financing of national satellite interconnection services is part of the Corporation's mission.

In 1998, the satellite servicing the Public Radio Satellite System (PRSS) failed unexpectedly. PRSS is used by National Public Radio (NPR), Public Radio International, and individual public radio producers to distribute programs nationally to public radio stations. PRSS is currently operating on a temporary back-up satellite that will become unavailable as early as Fall 1999. Thus, NPR, on behalf of the PRSS, must secure a new contract for satellite service three years earlier than planned.

The Corporation will disburse the funding to NPR through the Satellite Interconnection Fund. NPR must sign a contract for satellite capacity by mid-1999 with the balance to be paid early in 2000.

FEDERAL COMMUNICATIONS COMMISSION

GENERAL PROVISION

(Supplemental now requested, existing legislation)

The Communications Act is amended in section 337(b) (47 U.S.C. 337(b)), by deleting paragraph (2). Upon enactment of this provision, the FCC shall initiate the competitive bidding process in fiscal year 1999 and shall conduct the competitive bidding in a manner that ensures that all proceeds of such bidding are deposited in accordance with section 309(j)(8) of the Act not later than September 30, 2000. To expedite the assignment by competitive bidding of the frequencies identified in section 337(a)(2) of the Act, the rules governing such frequencies shall be effective immediately upon publication in the Federal Register, notwithstanding 5 U.S.C. 553(d), 801(a)(3), 804(2), and 806(a). Chapter 6 of such title, 15 U.S.C. 632, and 44 U.S.C. 3507 and 3512, shall not apply to the rules and competitive bidding procedures governing such frequencies. Notwithstanding section 309(b) of the Act, no application for an instrument of authorization for such frequencies shall be granted by the Commission earlier than 7 days following issuance of public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereto. Notwithstanding section 309(d)(1) of such Act, the Commission may specify a period (no less than 5 days following issuance of such public notice) for the filing of petitions to deny any application for an instrument of authorization for such frequencies.

This supplemental request would repeal the provision of the Balanced Budget Act of 1997 that required the auction of spectrum between 746-806 megahertz to be conducted in 2001. Under this proposal, the FCC would initiate the auction of the available spectrum within the 746-806 MHz band in 1999 and collect all receipts by the end of 2000. This proposal would accelerate the auction, thereby facilitating the efficient deployment of the spectrum by the Federal Communications Commission and shifting estimated receipts of \$2.6 billion into 2000.

	2000	2001	2002
Effect on spectrum auction receipts (in millions of dollars)	2,600	-1,300	-1,300

Other Independent Agencies

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

The Court of Veterans Appeals, an independent agency with budget by pass authority, requests supplemental appropriations of \$372 thousand. This supplemental would fund seven additional law clerks (one per judge) to work directly on cases. The number of new cases filed during the past 14 months has increased by about 100 percent from the previous year. This request is not included in the President's budget.

CBO's Current Status of Discretionary Appropriations

These tables provide estimates of discretionary budget authority and outlays for fiscal years 1999 and 2000. The estimates in the House and Senate current-status tables are those used by the House and Senate Committees on the Budget and may include adjustments to CBO's estimates that are shown as "scoring adjustment" on the tables.

"Current status" refers to the latest stage of action taken by the Congress on an appropriation bill (for example, reported out of full committee, passed by the House or Senate, or conference agreement). The tables are arranged by appropriation subcommittee and show emergency and nonemergency funding compared with allocations made for the discretionary categories pursuant to sections 302(a)(1) and 302(b)(1) of the Congressional Budget Act of 1974. Section 302(a)(1) refers to the total discretionary allocation included in the concurrent resolution on the budget; section 302(b)(1) refers to the subdivision of that total among the 13 appropriation subcommittees. The totals and the suballocations may be increased when appropriations are provided for certain specific purposes identified in the budget resolution (for example, emergencies, adoption assistance, continuing disability reviews, the earned income tax credit, and arrearage payments).

The estimates in the table titled "Fiscal Year 1999 Baseline, CBO Estimate of the President's Fiscal Year 2000 Request, and Estimated Impact of Current Appropriation Action for Fiscal Year 2000" exclude scoring adjustments and include a comparison with the discretionary estimates in CBO's summer update report and a projection of the on-budget deficit based on current action.

- CBO Estimate of Discretionary Spending in P.L. 106-31, Emergency Supplemental Appropriations Act, 1999
- CBO Estimate of Discretionary Spending in P.L. 105-277, Omnibus Consolidated Appropriations Act, 1999
- House Current Status of Discretionary Appropriations, 1999
- Senate Current Status of Discretionary Appropriations, 1999
- House Current Status of Discretionary Appropriations, 2000
- Senate Current Status of Discretionary Appropriations, 2000
- Fiscal Year 1999 Baseline, CBO Estimate of President's Fiscal Year 2000 Request, and Estimated Impact of Current Appropriation Action for Fiscal Year 2000

106TH CONGRESS, 1ST SESSION
CBO ESTIMATE OF P.L. 106-31, FISCAL YEAR 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT
(Discretionary supplemental appropriations, by fiscal year, in millions of dollars)

		Defense		Nondefense		Total	
		1999	2000	1999	2000	1999	2000
Emergencies							
Agreed	BA	4,126	0	1,290	0	5,416	0
	O	1,743	1,906	525	272	2,268	2,178
Contingent	BA	5,123	1,838	2,343	43	7,466	1,881
	O	<u>782</u>	<u>4,422</u>	<u>532</u>	<u>658</u>	<u>1,314</u>	<u>5,080</u>

SOURCE: Congressional Budget Office.

NOTES: Totals exclude \$1,338 million in budget authority for highways and mass transit, which are exempt from the spending limits.

BA = budget authority; HHS = Department of Health and Human Services; HUD = Department of Housing and Urban Development; n.a. = not applicable.

Legislative history of FY 1999 appropriation bills:

	<u>House</u>	<u>Senate</u>	<u>Signed into Law</u>
Agriculture (H.R. 4101)	Passed 6/24/98	Passed 7/16/98	10/21/98 (P.L. 105-277)
Commerce, Justice, State (H.R. 4276)	Passed 8/05/98	Passed 7/23/98	10/21/98 (P.L. 105-277)
Defense (H.R. 4103)	Passed 6/24/98	Passed 7/30/98	10/17/98 (P.L. 105-262)
District of Columbia (H.R. 2333)	Passed 8/06/98	Reported 7/21/98	10/21/98 (P.L. 105-277)
Energy and Water (H.R. 4060)	Passed 6/26/98	Passed 6/18/98	10/08/98 (P.L. 105-245)
Foreign Operations (H.R. 4569)	Passed 9/17/98	Passed 9/02/98	10/21/98 (P.L. 105-277)
Interior (H.R. 4193)	Passed 7/23/98	Passed 6/25/98	10/21/98 (P.L. 105-277)
Labor, HHS, Education (H.R. 4274)	Reported 7/14/98	Reported 9/03/98	10/21/98 (P.L. 105-277)
Legislative (H.R. 4112)	Passed 6/25/98	Passed 7/21/98	10/21/98 (P.L. 105-275)
Military Construction (H.R. 4059)	Passed 6/22/98	Passed 7/25/98	09/20/98 (P.L. 105-237)
Transportation (H.R. 4328)	Passed 7/29/98	Passed 7/24/98	10/21/98 (P.L. 105-277)
Treasury (H.R. 4104)	Passed 7/16/98	Passed 9/03/98	10/21/98 (P.L. 105-277)
Veterans, HUD (H.R. 4194)	Passed 7/29/98	Passed 7/17/98	10/21/98 (P.L. 105-276)
1999 Supplementals (H.R. 1141)	Passed 3/24/99	Passed 3/25/99	03/21/99 (P.L. 106-31)
Emergency Steel/Oil & Gas (H.R. 1664)	Conference 8/04/99	Conference 8/04/99	P.L. 106-51

FY 2000 HOUSE CURRENT STATUS OF DISCRETIONARY APPROPRIATIONS

As of November 3, 1999

(In millions of dollars)

Subcommittees	<u>302(b) Allocation</u>		<u>Total Current Status</u>		<u>Current Status Less Allocation</u>	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture						
Nonemergencies	13,839	14,120	13,945	14,233	106	113
Scoring adjustment	0	0	0	-163	0	-163
Emergencies	<u>43</u>	<u>226</u>	<u>8,742</u>	<u>8,508</u>	<u>8,699</u>	<u>8,282</u>
Total	13,882	14,346	22,687	22,578	8,805	8,232
Commerce, Justice, State, the Judiciary						
Nonemergencies	35,774	34,880	32,750	32,179	-3,024	-2,701
Scoring adjustment	0	0	0	-642	0	-642
Emergencies	<u>0</u>	<u>27</u>	<u>4,476</u>	<u>4,145</u>	<u>4,476</u>	<u>4,118</u>
Total	35,774	34,907	37,226	35,682	1,452	775
Defense						
Nonemergencies	265,854	253,023	260,387	256,908	-5,467	3,885

<div> <div></div> <div>Scoring adjustment</div> <div>0</div> <div>0</div> <div>-2,600</div> <div>-13,073</div> <div>-2,600</div> <div>-13,073</div> </div>						
<div> <div></div> <div>Emergencies</div> <div><u>1,838</u></div> <div><u>6,107</u></div> <div><u>9,038</u></div> <div><u>10,924</u></div> <div><u>7,200</u></div> <div><u>4,817</u></div> </div>						
<div> <div></div> <div>Total</div> <div>267,692</div> <div>259,130</div> <div>266,825</div> <div>254,759</div> <div>-867</div> <div>-4,371</div> </div>						
District of Columbia						
<div> <div></div> <div>Nonemergencies</div> <div>453</div> <div>448</div> <div>429</div> <div>398</div> <div>-24</div> <div>-50</div> </div>						
<div> <div></div> <div>Scoring adjustment</div> <div><u>0</u></div> <div><u>0</u></div> <div><u>0</u></div> <div><u>-5</u></div> <div><u>0</u></div> <div><u>-5</u></div> </div>						
<div> <div></div> <div>Total</div> <div>453</div> <div>448</div> <div>429</div> <div>393</div> <div>-24</div> <div>-55</div> </div>						
Energy and Water						
<div> <div></div> <div>Nonemergencies</div> <div>20,190</div> <div>20,140</div> <div>21,280</div> <div>21,002</div> <div>1,090</div> <div>862</div> </div>						
<div> <div></div> <div>Scoring adjustment</div> <div><u>0</u></div> <div><u>0</u></div> <div><u>0</u></div> <div><u>-163</u></div> <div><u>0</u></div> <div><u>-163</u></div> </div>						
<div> <div></div> <div>Total</div> <div>20,190</div> <div>20,140</div> <div>21,280</div> <div>20,839</div> <div>1,090</div> <div>699</div> </div>						
Foreign Operations						
<div> <div></div> <div>Nonemergencies</div> <div>12,625</div> <div>12,620</div> <div>12,693</div> <div>12,741</div> <div>68</div> <div>121</div> </div>						
<div> <div></div> <div>Scoring adjustment</div> <div><u>0</u></div> <div><u>0</u></div> <div><u>0</u></div> <div><u>-144</u></div> <div><u>0</u></div> <div><u>-144</u></div> </div>						
<div> <div></div> <div>Emergencies</div> <div><u>0</u></div> <div><u>548</u></div> <div><u>0</u></div> <div><u>548</u></div> <div><u>0</u></div> <div><u>0</u></div> </div>						
<div> <div></div> <div>Total</div> <div>12,625</div> <div>13,168</div> <div>12,693</div> <div>13,145</div> <div>68</div> <div>-23</div> </div>						
Interior						
<div> <div></div> <div>Nonemergencies</div> <div>13,888</div> <div>14,327</div> <div>14,279</div> <div>14,609</div> <div>391</div> <div>282</div> </div>						
<div> <div></div> <div>Scoring adjustment</div> <div><u>0</u></div> <div><u>0</u></div> <div><u>0</u></div> <div><u>-177</u></div> <div><u>0</u></div> <div><u>-177</u></div> </div>						
<div> <div></div> <div>Emergencies</div> <div><u>0</u></div> <div><u>27</u></div> <div><u>158</u></div> <div><u>69</u></div> <div><u>158</u></div> <div><u>42</u></div> </div>						
<div> <div></div> <div>Total</div> <div>13,888</div> <div>14,354</div> <div>14,437</div> <div>14,501</div> <div>549</div> <div>147</div> </div>						
Labor, HHS, Education						
<div> <div></div> <div>Nonemergencies</div> <div>75,763</div> <div>77,033</div> <div>82,282</div> <div>82,091</div> <div>6,519</div> <div>5,058</div> </div>						
<div> <div></div> <div>Scoring adjustment</div> <div><u>0</u></div> <div><u>0</u></div> <div><u>0</u></div> <div><u>-1,027</u></div> <div><u>0</u></div> <div><u>-1,027</u></div> </div>						
<div> <div></div> <div>Emergencies</div> <div><u>0</u></div> <div><u>30</u></div> <div><u>2,348</u></div> <div><u>1,328</u></div> <div><u>2,348</u></div> <div><u>1,298</u></div> </div>						
<div> <div></div> <div>Total</div> <div>75,763</div> <div>77,063</div> <div>84,630</div> <div>82,392</div> <div>8,867</div> <div>5,329</div> </div>						
Legislative						
<div> <div></div> <div>Nonemergencies</div> <div>2,478</div> <div>2,484</div> <div>2,457</div> <div>2,487</div> <div>-21</div> <div>3</div> </div>						
<div> <div></div> <div>Scoring adjustment</div> <div><u>0</u></div> <div><u>0</u></div> <div><u>0</u></div> <div><u>-28</u></div> <div><u>0</u></div> <div><u>-28</u></div> </div>						
<div> <div></div> <div>Total</div> <div>2,478</div> <div>2,484</div> <div>2,457</div> <div>2,459</div> <div>-21</div> <div>-25</div> </div>						
Military Construction						
<div> <div></div> <div>Nonemergencies</div> <div>8,374</div> <div>8,714</div> <div>8,374</div> <div>8,714</div> <div>0</div> <div>0</div> </div>						
<div> <div></div> <div>Emergencies</div> <div><u>0</u></div> <div><u>61</u></div> <div><u>0</u></div> <div><u>61</u></div> <div><u>0</u></div> <div><u>0</u></div> </div>						
<div> <div></div> <div>Total</div> <div>8,374</div> <div>8,775</div> <div>8,374</div> <div>8,775</div> <div>0</div> <div>0</div> </div>						
Transportation						

Current Status of Advance Funding in FY 2001 (not shown above)

23,608 15,234

Summary of Budget Committee Scoring Adjustments:

Defense	0	-9,700
Highways and mass transit	0	-1,339
Outlay reduction equal to 1.14 percent of new budget authority	0	-3,001
→ Spectrum auction sales	-2,600	-2,600 ←
Crime victims trust fund (fines)	0	-291
Remove estimate of contingent emergencies	0	-1,623
National Directory of New Hires	<u>-783</u>	<u>-781</u>
Total	-3,383	-19,335

Status of FY 2000 Appropriation Bills:

Conference agreement:

District of Columbia, Labor, HHS, Education, and Other Activities (H.R. 3064)

Cleared for President's signature:

Interior (H.R. 2466)

Signed into Law:

Agriculture (P.L. 106-78); Defense (P.L. 106-79); Energy and Water (P.L. 106-60); Legislative (P.L. 106-57); Military Construction (P.L. 106-52); Transportation (P.L. 106-69); Treasury and General Government (P.L. 106-58); Veterans, HUD, Independent Agencies (P.L. 106-74)

Vetoed:

Commerce, Justice, State, the Judiciary (H.R. 2670); District of Columbia (H.R. 2587); Foreign Operations (H.R. 2606)

SOURCE: Congressional Budget Office.

NOTES: BA = budget authority; HHS = Department of Health and Human Services; HUD = Department of Housing and Urban Development; n.a. = not applicable.

FY 2000 SENATE CURRENT STATUS OF DISCRETIONARY APPROPRIATIONS

As of November 3, 1999

(In millions of dollars)

Subcommittees	302(b) Allocation		Total Current Status		Current Status Less Allocation	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture						
Nonemergencies	13,940	14,028	13,945	14,233	5	205
Scoring adjustment	0	0	0	-163	0	-163
Emergencies	<u>43</u>	<u>226</u>	<u>8,742</u>	<u>8,508</u>	<u>8,699</u>	<u>8,282</u>
Total	13,983	14,254	22,687	22,578	8,704	8,324

Commerce, Justice, State, the Judiciary